

REMARKS

This Amendment is fully responsive to the non-final Office Action dated April 2, 2008. Claims 1, 3-15 and 17-28 were previously pending in the present application. By this Amendment, claims 1 and 15 have been amended; and claims 25 and 26 have been canceled without prejudice or disclaimer to the subject matter therein. Accordingly, claims 1, 3-14, 17-24, 27 and 28 are all the claims that remain pending in the present application. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

At the outset, the Applicants thank Examiner Najarian for granting the interview conducted with the Applicants' representative on June 2, 2008. During the interview, the distinguishable features between independent claim 1 (i.e., as an exemplary independent claim) and the Jeacock reference were discussed in detail.

Specifically, it was noted that the claimed "generating means" recited in claim 1 appears to include features that are not disclosed or suggested by the Jeacock reference. As recited in independent claim 1, the "generating means" generates questions programs which are dependent on a particular patient among a plurality of patients, by inserting question sets received from the database server apparatus into the template question programs.

In the Office Action, the Examiner relied specifically on the Jeacock reference at col. 1, line 41-58 and col. 2, lines 31-48 for disclosing or suggesting this feature. However, as pointed out during the interview, col. 1, lines 41-48 and col. 2, lines 31-48, at best, describe a database containing predefined templates that provide information to a patient regarding a particular medical procedure. The information provided by the predefined templates is added by hospital staff, and the information is provided to the patient when the patient enters certain information (i.e., doctor, hospital, procedure, etc.) to a database computer.

Thus, it was noted that the "generating means" of the present invention (as recited in independent claim 1) is clearly different from the use of predefined templates in the Jeacock reference. In the Jeacock reference, the predefined templates only present information prepared in advance to the user, not questions regarding a medical condition from a doctor. Thus, the Jeacock reference is not implemented for a back-and-forth

communication between a doctor and patient, as in the present invention (as recited in independent claim 1).

At the conclusion of the interview, the Examiner acknowledged this difference between the present invention (as recited in claim 1) and the Jeacock reference, but also indicated that it would be helpful to clarify the meaning of “question programs” as recited in the “generating means” limitation of claim 1. Specifically, the Examiner suggested amending the “generating means” limitation to more clearly indicate why the question programs are being used. The Examiner also indicated that further consideration would be given to the arguments and the amendments (i.e., as discussed during the interview) upon the filing of a formal response to the Office Action.

In the Office Action, claims 1, 3-5, 7-13, 15, 17-19, 21-24, 27 and 28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson (U.S. Publication No. 2003/0046305, hereafter “Clarkson”) in view of Kraftson et al. (U.S. Patent No. 6,151,581, hereafter “Kraftson”) in view of Jeacock et al. (U.S. Patent No. 6,014,630, hereafter “Jeacock”), and further in view of Tipirneni (U.S. Patent No. 6,381,029, hereafter “Tipirneni”).

The Applicants have herein amended independent claims 1 and 15 to be consistent with the recommendations made by the Examiner during the interview conducted on June 2, 2008. Specifically, as amended, independent claims 1 and 15 recite the following features:

“generating means for generating question programs which are dependent on a particular patient among a plurality of patients using a patient-independent template program so that patient-dependent question programs are not transmitted through the communication network, by inserting question sets received from said database server apparatus into the template question programs, the question programs being used for providing medical doctor’s questions to patients.”

The features noted above in independent claims 1 and 15 are fully supported by the Applicants’ disclosure (see e.g., pg. 36, line 11 - pg. 39, line 13; pg. 47, lines 9 - 20; and Fig. 19). Additionally, as noted during the interview conducted with the Examiner on June 2, 2008, the above features are not believed to be disclosed or suggested by the cited prior art.

In the Office Action, although the Examiner relied on Clarkson in view of Kraftson in view of Jeacock, and further in view of Tipirneni for disclosing or suggesting all the features recited in independent claims 1 and 15, the Examiner relied exclusively on Jeacock for disclosing or suggesting all the features of the “generating means” of claims 1 and 15. Specifically, the Examiner relied on Jeacock at col. 1, lines 41-58 and col. 2, lines 31-48.

However, as noted during the interview, Jeacock (i.e., at col. 1, lines 41-58 and col. 2, lines 31-48) merely discloses the use of “default templates” stored in a database that provide information to a user regarding “(a) systems used by a specific facility for the particular procedure to be undergone; and (b) specific techniques used by the doctor performing that procedure.”

For example, (in Jeacock) a user provides information regarding their name, the procedure to be undergone on a specific date, the hospital, and the doctor performing the procedure. The system will then provide information regarding pre-admission or pre-surgical requirements, directions to the hospital where the procedure is to be performed, and even the surgical technique used by the doctor.

Thus, as noted during the interview, the Jeacock is different from the present invention because the default templates in Jeacock only provide information regarding a medical procedure. Jeacock fails to disclose or suggest question programs being used for providing medical doctor’s questions to patients, as recited in claims 1 and 15. In this regard, the system disclosed in Jeacock cannot be implemented for a back-and-forth communication between a doctor and patient.

Additionally, since the question programs recited in claims 1 and 15 are clearly different from the default templates disclosed in Jeacock, it also logically follows that the reference fails to disclose or suggest generating question programs which are dependent on a particular patient among a plurality of patients using a patient-independent template program so that patient-dependent question programs are not transmitted through the communication network, also as recited in claims 1 and 15.

For at least the reasons noted above, no combination Clarkson, Kraftson, Jeacock, and Tipirneni would result in, or otherwise render obvious, independent claims 1 and 15 (as amended). Additionally, no combination Clarkson, Kraftson, Jeacock and Tipirneni

would result in, or otherwise render obvious, claims 3-5, 7-13, 17-19, 21-24, 27 and 28 at least by virtue of their respective dependency from independent claims 1 and 15.

In the Office Action, claims 6, 14 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson in view of Kraftson, in view of Jeacock, in view of Tipirneni, and further in view of Bair et al. (U.S. Patent No. 6,108,665, hereafter "Bair"). However, claims 6 and 14 depend from independent claim 1; and claim 20 depends from independent claim 15. As noted above, Clarkson, Kraftson, Jeacock and Tipirneni fail to disclose or suggest (individually or in combination) all the features recited in independent claims 1 and 15 (as amended).

Additionally, Bair fails to overcome the deficiencies noted above in Clarkson, Kraftson, Jeacock and Tipirneni. Accordingly, no combination of Clarkson, Kraftson, Jeacock, Tipirneni and Bair would result in, or otherwise render obvious, the features noted above in claims 6, 14 and 20 at least by virtue of their respective dependency from independent claims 1 and 15.

In the Office Action, claims 25 and 26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson in view of Bair, and further in view of Tipirneni. As noted above, claims 25 and 26 have been canceled rendering the above rejection to those claims moot.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action dated April 2, 2008, and pass this application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Hirohisa IMAI et al.

/Mark D. Pratt/

By: 2008.06.23 17:00:15 -04'00'

Mark D. Pratt
Registration No. 45,794
Attorney for Applicants

MDP/ats
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
June 23, 2008